

Exhibit 2

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF
RESOURCE COUNCILS et al.,

Plaintiffs,

vs.

UNITED STATES BUREAU OF
LAND MANAGEMENT,

Defendant,

and

STATE OF WYOMING,

Intervenor-Defendant.

Case No. 4:20-cv-00076-BMM-JTJ

**DECLARATION OF LORI
BYRON, M.D.**

I, Lori Byron, hereby declare:

1. I have been a resident of Hardin, Montana since 1988.
2. I am a medical physician specializing in Pediatric medicine. I am semi-retired, but continue to work at the St. Vincent's Hospital in Billings, Montana.
3. I am a member of Northern Plains Resource Council, Montana Environmental Information Center, and Sierra Club. I am Chair of the Montana Health Professionals for a Healthy Climate.
4. I have visited the Bureau of Land Management's (BLM) Miles City planning area in Montana for recreation. Every few weeks, my husband and I ride our bikes along Interstate 94, the Lewis and Clark Trail and the Yellowstone River heading east into Treasure County. Six years ago, I took a two-week bike trip through Montana, including on small roads in southeastern Montana through Carter, Powder River, and Rosebud Counties, which took a few days. I intend to continue to recreate, specifically bike, in the Miles City planning area in the months and years to come.
5. I am aware of the coal, oil, and gas leasing and development in the Miles City planning area. I have concerns about drilling and hydraulic fracturing in the area and the adverse effects it has on air and water quality and public health. Hydraulic fracturing operations have the potential to contaminate drinking water

due to the hazardous nature of the chemicals used. Toxic chemicals could enter the water in the area due to leaks or fuel spills from trucks transporting wastewater. Since there is a lack of state regulation of oil and gas development in Montana, people truck in wastewater from oil and gas operations in the Bakken shale in North Dakota to dispose of in wastewater ponds in Montana. I have spoken to Montana ranchers who have observed fracking-contaminated water spilling out of trucks during transport.

6. I am also concerned that additional fossil fuel development in the planning area will lead to increased traffic on the road, which increases the risks of traffic accident-related fatalities and air emissions, which I understand has been well-researched in other areas where fossil fuel development is taking place. There are not many hospitals in the planning area. The closest hospital equipped with a high-level trauma center is in Billings, which is over 60 miles from the western portion of the planning area in Treasure County and 225 miles away from Alzada, Montana in the southeastern corner of the planning area. As a physician, I have concerns that people who are injured in traffic accidents due to increased truck traffic in the area will not make it to a hospital in time to be treated, since the most critical hour for survival is the first hour and many of these areas only have first responders or EMT-Basics on volunteer ambulance crews.

7. I also have concerns about the coal trains that transport coal from the Powder River Basin west through Hardin and Billings. Coal dust blows off the trains as they pass by, which could trigger respiratory systems in people who have asthma or are suffering from other respiratory illnesses. There are no over- or underpasses along the train routes where we live and work in Montana so there are long traffic delays when coal trains pass through intersections of local roads. My husband and I used to live near the train tracks and often had to wait five minutes in a car or on our bikes for a train to pass through an intersection. As a physician, I have serious concerns about emergency response in the area because patients traveling by ambulance to reach my hospital in Billings, or others, could experience life-threatening delays due to an increase in the number of passes of coal trains. Coal trains pass through our area repeatedly every day. In the past two years, I have had friends die on railroad tracks in Hardin, Montana. If the federal government authorizes more coal development in the planning area, the number of coal trains passing through Hardin or Billings would increase significantly causing increased coal dust, traffic, and further delays of emergency response times in the state.

8. Poor air quality results from fossil fuel development emissions, increased truck emissions, and coal dust created during transport on coal trains can negatively impact people located far distances from the planning area. Drilling can

adversely affect the air quality and health of people who live in the area, including triggering respiratory issues like asthma. I also have concerns about cycling in an area where fossil fuel development is taking place and breathing air with poor quality – both from the emissions generated by oil and gas operations and the emissions generated by increased truck traffic along I-94 and local roads. On my two-week cycling trip, during which I passed through Treasure and Rosebud counties, I was able to see oil and gas operations from my bike. Seeing oil and gas operations during this recreational trip diminished my overall experience and enjoyment of the planning area.

9. I have larger medical concerns about fossil fuel development in the area because most people in surrounding communities are unaware of the effects the emissions can have. I am concerned about an increase in patients at my hospital if further fossil fuel development is authorized. I am also concerned about treating patients who have been exposed to unknown chemicals used in fracking operations. If a patient cannot identify the chemicals that he or she has been exposed to, the treating physician cannot provide specific treatment for toxic exposure. Without this essential information, the treating physician can only provide supportive care after some guess work. Further, when patients are diagnosed with cancer, oncologists may not ask questions about toxic chemical exposure. Most people are not aware that their drinking water supplies could be

contaminated with chemicals used during oil and gas operations and it is difficult to identify chemical exposure since water testing is very expensive and over a thousand chemicals are used. Most people in Montana live in rural areas with private drinking water wells, but even in small towns where drinking water is supplied from municipal systems, like Hardin, testing is not done specifically for the many different chemicals used in fracking operations.

10. I support Northern Plains Resource Council, Montana Environmental Information Center, and Sierra Club's involvement in this lawsuit. If the court vacates BLM's Miles City resource management plan and environmental impact statement and orders a reevaluation of its decision and potentially issues a more protective decision, I will feel better about recreating in this area. I also think that further environmental review will have a positive impact on public health in the communities located in and around the planning area. BLM has not conducted an in-depth study of the impacts of fossil fuel development on the environment and human health in this area, as well as the impacts to our climate. The federal government's continued authorization of large amounts of coal, oil, and gas development will contribute significantly to air pollution and climate change. If the court remands the Miles City resource management plan and environmental impact statement for further consideration, BLM could fully consider an alternative that reduces fossil fuel development in the planning area.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is to true and correct.

Dated: October 29, 2021.


Lori Byron, M.D.